

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

JUN 21 2005

IN REPLY REFER TO:
1800B3-RAB

Kenneth C. Howard, Jr., Esq.
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Washington, D. C. 20036-5304

In Re: WVXU(FM), Cincinnati, OH
Facility ID No. 74302
WVXA(FM), Rogers City, MI
Facility ID No. 49304
WVXC(FM), Chillicothe, OH
Facility ID No. 74298
WVXH(FM), Harrison, MI
Facility ID No. 15563
WVXM(FM), Manistee, MI
Facility ID No. 39787
WVXR(FM), Richmond, IN
Facility ID No. 74295
WVXW(FM), West Union, OH
Facility ID No. 74301
W237CF, Mackinaw City, MI
Facility ID No. 148065

Applications for Assignment of Licenses
File Nos. BALED-20050311ACN
BALED-20050311ACO
BALED-20050311ACP
BALED-20050311ACQ
BALED-20050311ACR
BALED-20050311ACS
BALED-20050311ACT
BALFT-20050311ACU

Request for Waivers of
47 C.F.R. § 73.1125
(Main Studio Rule)

Dear Mr. Howard:

The staff has under consideration: (1) the captioned applications to assign the licenses of stations WVXU(FM), Cincinnati, Ohio; WVXA(FM), Rogers City, Michigan; WVXC(FM), Chillicothe, Ohio; WVXH(FM), Harrison, Michigan; WVXM(FM), Manistee, Michigan; WVXR(FM), Richmond, Indiana; WVXW(FM), West Union, Ohio; and W237CF, Mackinaw City, Michigan, from Xavier University to Cincinnati Classical Public Radio, Inc. ("CCPR"); and (2) the request for waivers of the Commission's Main Studio Rule, Section 73.1125, in order to operate stations WVXA(FM), WVXC(FM), WVXH(FM), WVXM(FM), WVXR(FM) and WVXW(FM) as a "satellite" of commonly owned noncommercial educational ("NCE") station WVXU(FM).¹ For the reasons set forth below, we shall grant the assignment applications and the waiver requests.

Main Studio Waiver. Pursuant to Section 73.1125(a), a broadcast station's main studio must be located either (1) within a station's community of license, (2) within the principal community contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license.² However, under Section 73.1125(b)(2), the Commission will waive these requirements where "good cause" exists to do so and where the proposed studio location "would be consistent with the operation of the station in the public interest." Each waiver request by an NCE station seeking to operate as the satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus found "good cause" exists to waive the main studio location requirement where satellite operations are proposed.³ A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard.⁴

CCPR's requests are based on the economies of scale, which would be realized by grant of its waivers. We agree and conclude that there is "good cause" to waive 47 C.F.R. Section 73.1125(a)(4) under these circumstances.

¹ A "satellite" station meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent station's programming. See *Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR2d 1554, 1562 (1964).

² See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998), recon. granted in part, 14 FCC Rcd 11113(1999)("Reconsideration Order").

³ *Id*

⁴ *Id*

CCPR proposes to operate stations WVXA(FM), Rogers City, Michigan; WVXC(FM), Chillicothe, Ohio; WVXH(FM), Harrison, Michigan; WVXM(FM), Manistee, Michigan; WVXR(FM), Richmond, Indiana; and WVXW(FM), West Union, Ohio, as satellite stations of WVXU(FM), Cincinnati, Ohio, approximately 437, 84, 341, 366, 54 and 60 miles, respectively, from Rogers City, Chillicothe, Harrison, Manistee, Richmond and West Union. Where there is a great distance between the parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, CCPR has pledged to: (1) engage a CCPR officer to contact civic and community leaders in each station's community on a quarterly basis by telephone to ascertain the needs and interests of its residents; (2) recruit appropriate civic and community leaders in each station's community to join in the periodic telephonic meetings of its existing Community Advisory Board; (3) maintain an internet site whereby the residents of each station's community can communicate directly with CCPR concerning programming and the local station's operation; (4) maintain a toll-free telephone line between each station's community and station WVXU(FM), by which residents can contact CCPR management; (5) periodically broadcast public affairs programming responsive to the local issues of public concern to each community's residents; and (6) maintain an up-to-date copy of each station's public file in its local community, as well as in the main studio of the parent station, WVXU(FM).

In these circumstances, we are persuaded that CCPR will meet its local service obligation and thus, that grant of the requested waivers are consistent with the public interest. We remind CCPR, however, of the requirement that it maintain public files for the Rogers City, Michigan, Chillicothe, Ohio, Harrison, Michigan, Manistee, Michigan, Richmond, Indiana, and West Union, Ohio stations at the main studio of the "parent" station, WVXU(FM), Cincinnati, Ohio. It must also make reasonable accommodation for listeners wishing to examine the file's contents.⁵ We further remind CCPR that, notwithstanding the grant of the waivers requested here, the public files for WVXA(FM), WVXC(FM), WVXH(FM), WVXM(FM), WVXR(FM) and WVXW(FM) must contain the quarterly issues and programs lists for Rogers City, Michigan; Chillicothe, Ohio; Harrison, Michigan; Manistee, Michigan; Richmond, Indiana; and West Union, Ohio, as required by 47 C.F.R. Section 73.3527(e)(8).

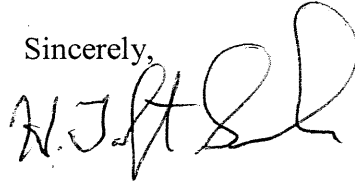
Assignment applications. We have examined the applications and find that they comply with all statutory and regulatory requirements, that CCPR is qualified to operate stations WVXU(FM), WVXA(FM) WVXC(FM), WVXH(FM), WVXM(FM), WVXR(FM), WVXW(FM) and W237CF, and that routine approval of the applications would further the public interest, convenience and necessity.

Accordingly, the applications (File No. BALED-20050311ACN; BALED-20050311ACO; BALED-20050311ACP; BALED-20050311ACQ; BALED-20050311ACR; BALED-20050311ACS; BALED-20050311ACT; and BALFT-20050311ACU) to assign stations WVXU(FM), Cincinnati, Ohio; WVXA(FM), Rogers City, Michigan; WVXC(FM), Chillicothe, Ohio; WVXH(FM), Harrison, Michigan;

⁵ See *Reconsideration Order*, 14 FCC Rcd at 11129, Paragraph 45.

WVXM(FM), Manistee, Michigan; WVXR(FM), Richmond, Indiana; WVXW(FM), West Union, Ohio; and W237CF, Mackinaw City, Michigan, from Xavier University to Cincinnati Classical Public Radio, Inc. and the concomitant requests for waiver of 47 C.F.R. Section 73.1125 ARE HEREBY GRANTED.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Taft Snowdon". The signature is written in a cursive style with a large, prominent loop at the end.

H. Taft Snowdon
Supervisory Attorney
Audio Division
Media Bureau

Enclosure